

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00207-MR-WCM

TODD W. SHORT,

Plaintiff,

v.

MICHAEL BOYD
*FBI Special Agent, in his
individual capacity*
JOHN DOE
*FBI Special Agent 1-6, in
their individual capacities*

Defendants.

ORDER

This matter is before the Court on Plaintiff's Motion to Delay Issuance of Summons and Complaint (the "Motion to Delay Issuance," Doc. 4) and Plaintiff's Motion to Receive Docketed Pleading(s) and Orders in this Case via Email, or Have Limited Access to Pacer and to Serve Defendants by Electronic Means (the "Motion for Electronic Filing," Doc. 5).

With respect to the Motion to Delay Issuance, on August 14, 2023, Plaintiff was granted leave to proceed *in forma pauperis*. Doc. 3. The August 14 Order additionally directed Plaintiff to prepare summonses for Defendants and submit those summonses to the Clerk, who would then deliver process to the United States Marshal's Service. While the August 14 Order provided that

the United States Marshal's Service would serve process on Defendants, Plaintiff was advised that he remains responsible for making sure that service is effected properly pursuant to the Rules of Civil Procedure. Id. The undersigned is not persuaded that the procedures set out in the August 14 Order should be modified.

With respect to the Motion for Electronic Filing, this Court's Administrative Procedures Governing Filing and Service by Electronic Means ("Administrative Procedures") provide that "parties proceeding pro se may request in writing - solely for the purpose of the action - to receive notice via e-mail whenever a pleading or other paper is filed electronically in accordance with these procedures." Administrative Procedures, revised December 1, 2022, available on the Court's website.

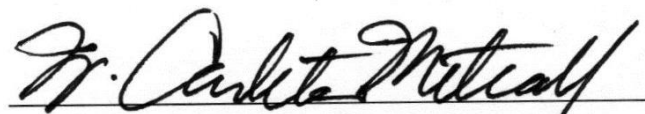
Accordingly, to the extent Plaintiff wishes to receive filing notices via e-mail, his request will be allowed.

However, the Administrative Procedures also provide that "[p]arties proceeding pro se shall not file electronically." Id. On the current record, the undersigned does not conclude that an exception should be made in this specific case.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion to Delay Issuance of Summons and Complaint (Doc. 4) is **DENIED**.
2. To the extent Plaintiff's Motion to Receive Docketed Pleading(s) and Orders in this Case via Email, or Have Limited Access to Pacer and to Serve Defendants by Electronic Means (Doc. 5) seeks permission for Plaintiff to receive electronic notices of filings, the Motion is **GRANTED**, and the Clerk is respectfully directed to provide Plaintiff with electronic notice at the email address listed in the Motion.
3. To the extent Plaintiff's Motion to Receive Docketed Pleading(s) and Orders in this Case via Email, or Have Limited Access to Pacer and to Serve Defendants by Electronic Means (Doc. 5) seeks permission for Plaintiff to file documents electronically, the Motion is **DENIED**.

Signed: August 24, 2023



W. Carleton Metcalf
United States Magistrate Judge

